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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,816	03/22/2006	Shahram Miham	LU 6132 (US)	5070
34872 7590 11/14/2008				
Basell USA Inc. Delaware Corporate Center II 2 Righter Parkway, Suite #300 Wilmington, DE 19803				
EXAMINER				
TESKIN, FRED M				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
11/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,816

Applicant(s)

MIHAN ET AL.

Examiner

Fred M. Teskin

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)
Paper No(s)/Mail Date 20080709
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

This Office action follows a reply filed on 09 July 2008. Claims 1-4 have been amended. Claims 1-10 remain pending and under examination.

In view of the amendments made to claims 1 and 2, the following rejections and objection have been *withdrawn*: (I) rejection of claims 1-8 as indefinite; (II) rejection of claims 1 and 3-7 as anticipated by or, in the alternative, as obvious over GB 1482148 ("Segalini"); (III) rejection of claim 8 as being unpatentable over Segalini in view of US 6474161; and (IV) objection to claim 2 as being dependent on a rejected base claim.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9 and 10 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GB 1482148 ("Segalini").

The rejection is maintained substantially as set forth on page 3 of the previous Office action and for the reasons which follow.

Applicants' arguments with respect to Segalini as applied to claims 9 and 10 have been fully considered but they are not persuasive.

Referring to Segalini's Sheet 1, applicants argue that Segalini does not teach a narrowing in a region other than that of the axial pump, as in the currently recited claims (Reply, p. 6).

Examiner disagrees and notes that the language "region other than that of the axial pump" in claim 9 is not specifically defined by applicants in terms a requisite minimum distance or spacing between the widening/narrowing region and the axial pump region of the cyclic reactor tube, and therefore is properly taken in the broadest sense to include any widening and narrowing that occurs in a region removed from the axial pump region of the reactor tube. Per Segalini Sheet 1, there is depicted a single narrowing in the piping just below the flange in the right-hand-side of reactor 3 and a single widening in the piping just above the flange on the left-hand-side thereof; both the widening and the narrowing occur in piping sections *separate* from the delivery section where circulating pump 1 is located. Indeed Sheet 1 shows the delivery section as proximate the circulating pump, in the lower (horizontal) section of the reactor. As such, it is maintained that the disclosed reactor includes a widening and narrowing in a region other than that of the axial pump, in accordance with instant claims 9-10.

Claims 1-8 are allowable on the present record. The process as claimed in amended claim 1 requires that an olefin polymer of ethylene, propylene, butene or mixtures thereof be formed. This requirement is not taught nor adequately suggested by Segalini, for the reasons advanced by applicants at, e.g., page 6 of the reply. Further, carrying out the polymerization of the claimed process at an average solids

concentration as per claim 2 is not disclosed nor adequately suggested in the available prior art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner F. M. Teskin whose telephone number is (571) 272-1116. The examiner can normally be reached on Monday through Thursday from 7:00 AM - 4:30 PM, and can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The appropriate fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred M Teskin/
Primary Examiner, Art Unit 1796